

### **REMARKS**

Claims 1-12 are pending and under consideration in the above-identified application.

In the office Action, Claims 1-12 were rejected.

In this Amendment, Claims 1 and 4 – 12 are amended and Claim 3 is cancelled. No new matter has been introduced as a result of this amendment.

Accordingly, Claims 1, 2, and 4 - 12 are now at issue.

#### **I. Objection To Claims**

Claims 9 – 12 were objected to because of informalities. Applicant has amended Claims 9 – 12 as suggested by the Examiner.

Accordingly, Applicant respectfully request that these claim objections be withdrawn.

#### **II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 3-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended by incorporating the limitations of Claim 3 which has been cancelled, and Claim 4 has been amended to become dependent on Claim 1.

Claim 1 recites that “a dividing unit for dividing information of individual first units corresponding to first information and second information into corresponding plurality of individual second units, wherein, said first transmission unit and second transmission unit transmit said first information and second information by using corresponding plurality of individual second units.”

Thus, the relationship between “first units” and “second units” is that each first packet is divided into a corresponding plurality of individual second units.

Claims 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Claim 9 recites that “a second deletion unit for deleting said second packet, stored in said storage unit, corresponding to said first packet which is prior to said first packet to which said second packet, in which said flag is contained, corresponds when said determination unit determines that said flag is contained in the information received by said receiving unit.”

That is, the second deletion unit deletes the second packet, stored in said storage unit, which corresponds to the first packet which comes before a first packet whose corresponding second packet is determined to contain a flag.

Thus, Applicant respectfully requests that these claim rejections under 35 U.S.C. 112 be withdrawn.

### **III. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 2, and 6-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Jalali et al. (“Jalali”) (U.S. Publication No. 2004/0098657).

Claim 1 is directed to an information processing apparatus for transmitting information to a transmission party via a network in predetermined units. The information processing apparatus comprises a first transmission unit, a receiving unit, a clocking unit, a determination unit, and a second transmission unit.

Claim 1 recites “a dividing unit for dividing information of individual first units corresponding to first information and second information into corresponding plurality of individual second units, wherein, said first transmission unit and second transmission unit transmit said first information and second information by using corresponding plurality of individual second units.”

The Examiner acknowledged in Item 6 of the Office Action that Jalali does not disclose dividing first packets (units) corresponding to first and second information into a plurality of corresponding individual second units. Thus, Jalali fails to anticipate Claim 1.

Accordingly, Claim 1 is allowable, as is dependent Claim 2 for at least the same reasons.

Claims 6 – 8 have been amended in a similar fashion to Claim 1. As such, Claims 6 – 8 are also allowable over Jalali for at least the same reasons.

Accordingly, Applicant respectfully request that these claim rejections under 35 U.S.C. 102(e) be withdrawn.

**IV. 35 U.S.C. § 103 Obviousness Rejection of Claim 3**

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993). Applicant respectfully traverses this rejection.

This claim rejection is now moot in view of the cancellation of Claim 3.

**V. 35 U.S.C. § 103 Obviousness Rejection of Claim 4**

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993) and further in view of Tseung (U.S. Patent No. 5,109,384). Applicant respectfully traverses this rejection.

The Examiner states that Hamilton discloses dividing individual first packets (units) corresponding to first and second information into a plurality of corresponding individual second units, and points to Fig 7 reference 124 for support where the “first units” are messages and the “second units” are the units that make up the messages.

However, the “first units” in the present application correspond to units that make up a message, and the second units are generated by dividing each of the first units. That is, a plurality of individual second units corresponds to an individual first unit.

Thus, Hamilton fails to teach or suggest the generation of the first units from the division of a message and the generation of the second units from the division of corresponding first units

Moreover, Tseung is referenced mainly by the Examiner as disclosing the setting of a flag indicating that the clocked time exceeds the reference value. In addition to Jalali and Hamilton, Tseung also fails to teach or suggest the generation of the second units from the division of corresponding first units.

Moreover, no combination of the cited references fairly teaches or suggests the subject matter of Claim 4.

Accordingly, the three references, Jalali, Hamilton and Tseung, may not properly be combined to render Claim 4 unpatentable.

**VI. 35 U.S.C. § 103 Obviousness Rejection of Claim 5**

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalali (U.S. Publication No. 2004/0098657) in view of Hamilton (U.S. Patent No. 6,392,993) in view of Tseung (U.S. Patent No. 5,109,384) and further in view of Kamihara (U.S. Patent No. 6,854,020). Applicant respectfully traverses this rejection.

The Examiner indicated that the Kamihara reference discloses that the clearing of the flag is performed when all of the second packets (units) are transmitted. In addition to Jalali, Hamilton and Tseung, Kamihara also fails to teach or suggest the generation of the second units from the division of corresponding first units.

Thus, no combination of the cited references fairly teaches or suggests the subject matter of Claim 5. Accordingly, Claim 5 is patentable.

**VII. 35 U.S.C. § 103 Obviousness Rejection of Claims 9 - 12**

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 6,392,993) in view of Knobel (U.S. Patent No. 6,765,871). Applicant respectfully traverses this rejection.

Claim 9 is directed to an information processing apparatus for receiving information, transmitted via a network, for individual second packets which are created by dividing information of individual first packets. The information processing apparatus comprises a receiving unit for receiving said information transmitted for each of said second packets via said network, a storage unit for storing, for each of said corresponding first packets, information for each of said second packets received by said receiving unit, an assembling unit for assembling information for each of said second packets stored in said storage unit into information for each of said first packets before being divided, a first deletion unit for deleting each of said second packets, stored in said storage unit, corresponding to said assembled information for each of said second packets when each of said second packets is assembled into said corresponding individual first packets by said assembling unit, a determination unit for determining whether or

not a predetermined flag is contained in the information received by said receiving unit, and a second deletion unit for deleting said second packet, stored in said storage unit, corresponding to said first packet which is prior to said first packet to which said second packet, in which said flag is contained, corresponds when said determination unit determines that said flag is contained in the information received by said receiving unit.

Thus, the information processing apparatus is configured for receiving information, transmitted via a network, for individual second packets which are created by dividing information of individual first packets. As stated above, the “first packets” in the present application correspond to packets that make up a message, and the second packets are generated by dividing each of the first packets. As such, a plurality of individual second packets corresponds to divided information of a corresponding individual first packet.

The Examiner states in Item 6 of the Office Action that Hamilton discloses dividing individual first packets corresponding to first and second information into a plurality of corresponding individual second packets, and points to Fig 7 references 124 and 126 for support where the “first packets” are messages and the “second packets” are the units that make up the messages. Thus, in Hamilton each of the first packets corresponds to an information message. In contrast, in the present application the first packets correspond to divided information of a message, and these first packets are each in turn divided to create their corresponding second packets.

Thus, as stated above Hamilton fails to teach or suggest the generation of the second packets from the division of a corresponding first packet.

The reference Knobel cited by the Examiner states that “when a data frame has been sent to the buffer (i.e. complete frame) the frame counter is incremented to indicate to the other (i.e. output) side of the buffer that a full frame counter is present in the buffer. When the other side removes a complete frame the frame counter is decremented. Thus, as acknowledged by the Examiner, in Knobel the complete frame corresponds to the “first packet.” As such, Knobel does not teach or disclose the generation of the second packets from the division of a corresponding first packet.

Hence, both references, Hamilton and Knobel, fail to teach or suggest the generation of the second units from the division of corresponding first units. Further, no combination of these two references fairly teaches or suggests the subject matter of Claim 9.

Accordingly, Claim 9 is patentable, as are dependent Claims 10 – 12 for at least the same reasons.

Thus, Applicant respectfully requests that these claim rejections under 35 U.S.C. 103 be withdrawn.

### **VIII. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1, 2, and 4 - 12 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

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Respectfully submitted,

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